

REMARKS**INTRODUCTION**

In accordance with the foregoing, claims 4, 5, 13, 14, and 17 have been amended. No new matter has been submitted, and reconsideration of the pending claims is respectfully requested.

Claims 1-18 are under consideration.

REJECTION UNDER 35 USC 112

The Office Action indicates that claims 7 and 8 lack sufficient antecedent support for the claimed first and second elastic sections. However, it is respectfully noted that independent claim 1 particularly claims both the first elastic section and the second elastic section. It is noted that the Office Action may have meant claim 17, which has been amended to correct antecedent informalities thereof.

The Office Action further indicates that claims 4, 6, 13, and 14 are indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention, noting that the Office Action appears to base this rejection on the claimed third elastic section being *formed* by "at least one cavity in the body." However, only claims 5 and 14 would appear to recite such a claimed feature. Regardless, claims 4, 5, 13 and 14 have been amended to more clearly recite the claimed invention, without changing the scope or breadth of the same. See FIG. 8 of the present application as an example of a cavity comprising a third elastic section.

Withdrawal of these rejections is respectfully requested.

REJECTION UNDER 35 USC 102

Claims 1-18 stand rejected under 35 U.S.C. 102(b) as being anticipated by Hagitani (JP 2001-160272). This rejection is respectfully traversed.

The Office Action has interpreted FIG. 9 of Hagitani as disclosing all the claimed features of claims 1-18.

In particular, regarding independent claims 1, 10, and 17, the Office Action has interpreted the illustrated tip of elastic piece 42 contacting pickup housing 11 as the claimed first elastic section, interpreted the arm of elastic piece 42 as the claimed second elastic section, and concluded that the arm of elastic piece 42 has a greater spring constant than the tip of elastic

piece 42 based on "the [interpreted] second elastic section [displacing] farther than the [interpreted] first elastic section."

The Office Action further indicates that elastic piece 42 is inherently a viscoelastic material having a damping characteristic.

However, it is respectfully submitted that the Office Action's separation of the singular elastic piece 42 of Hagitani into two different elastic sections does not conform with the disclosure of Hagitani nor the actual physical properties of elastic piece 42.

Hagitani illustrates in differing embodiments a number of differing elastic members, each singularly applying an elastic force to the contact parts through differing techniques. This relied upon elastic piece 42 is merely one of the elastic members.

To perform as an "elastic" section or member, elastic piece 42 singularly deforms to generate an effective singular spring constant. The tip of elastic piece 42 acts in concert with any bending of the arm of elastic piece 42 to generate this effective singular spring constant.

The tip of elastic piece 42 is not by itself a material that deforms under stress, and which regains its original shape and size when a load is removed, i.e., an elastic material. Similarly, the arm of elastic piece 42 is not by itself a material that deforms under stress, which regains its original shape and size when a load is removed. Independent claims 1,10, and 17 particularly refer to "elastic sections" of an "elastic member," i.e., each section has elastic characteristics.

Accordingly, there is no spring constant for the tip of the elastic piece 42 without cooperation with the arm of elastic piece 42. Similarly, there is no spring constant for the arm of elastic piece 42 without cooperation with the tip of elastic piece 42.

Thus, the differing portions of the singular elastic member of Hagitani cannot be singled out as different elastic sections.

Conversely, the presently claimed invention particularly sets forth effectively two different elastic elements, with each elastic element acting according to the definition of "elastic," even though the claims and specification refer to the same as "sections." This "section" language is used because embodiments combine differing elastic elements to make a singular element with at least two different spring constants.

Therefore, the claimed different elastic sections cannot be considered the same as the singular elastic member of Hagitani.

In addition, the Office Action further sets forth that Hagitani discloses the claimed second

elastic section having a larger spring constant than the first elastic section because the arm of the elastic piece 42 deforms more than the tip of the elastic piece 42.

However, a greater spring constant corresponds to less deformation, not greater, as indicated in the Office Action. Thus, based on the Office Action's interpreted second elastic section (arm) deforming more than the interpreted first elastic section (tip), Hagitani similarly fails to disclose the claimed difference in spring constants. In addition, as noted above, the elastic members of Hagitani actually do not include the claimed different elastic sections with differing spring constants.

Lastly, if this interpretation of first and second elastic sections of Hagitani are maintained in any further Office Action, Applicants respectfully request the Examiner more particularly identify which portions of elastic piece 42 are being interpreted as the first elastic section and second elastic sections and how the Office Action derives spring constants for the same.

Regarding claims 3, 6, 9, 12, 15, and 16, the Office Action indicates that Hagitani inherently discloses the claimed viscoelastic material.

However, Hagitani would only appear to illustrate that the springs or elastic members thereof are "elastic" materials, i.e., again, a material that deforms under stress, but regains its original shape and size when the load is removed. A material that is a viscoelastic material is a material whose response to a deforming load combines both viscous and elastic qualities.

The Office Action has failed to point to any portion of Hagitani which supports the conclusion that the elastic piece 42 of Hagitani is anything other than just an elastic material. However, the present application particularly sets forth embodiments that use such a viscoelastic material, as the same provides advantages over the conventional elastic materials, when implementing the present invention. If any further Office Actions similarly rely on Hagitani to inherently disclose such a viscoelastic material, Applicants respectfully request the Office Action particularly point to the col. and line number of Hagitani supporting the same.

Regarding claims 4-6 and 13-15, the Office Action further relies on FIGS. 8 and 9 of Hagitani to disclose the interpreted elastic member including the claimed third elastic section.

In particular, the Office Action indicates that the "gap" between the arm of elastic piece 42 and element 41, illustrated in FIG. 9, is the claimed third elastic section.

However, a "gap" cannot have any elastic properties. As noted above, an elastic material is a material that deforms under stress, but regains its original shape and size when the load is removed. Thus, the third elastic section cannot be considered equivalent to the relied upon

"gap" between elastic piece 42 and element 41.

Lastly, regarding claims 7 and 8, the Office Action relies on FIG. 4 of Hagitani to disclose the claimed coil spring. The Office Action further indicates that the claimed first and second sections correspond to the coil and wire, respectively, of the spring. In particular, the Office Action sets forth "wherein the first and second elastic sections have different diameters (diameter of coil and diameter of wire, respectively).

Here, it is respectfully submitted that the coil and wire of spring 33 of Hagitani cannot be considered different elastic sections, with differing spring constants. Rather, similar to above, spring 33 is a singular elastic member with a singular spring constant.

Accordingly, in view of the above, it is respectfully submitted that Hagitani cannot be considered as disclosing the presently claimed invention.

Therefore, for at least the above, it is respectfully requested that this rejection of claims 1-18 be withdrawn and claims 1-18 be allowed.

CONCLUSION

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

By 
Stephen T. Boughner
Registration No. 45,317

Date: 5/9/05

1201 New York Avenue, NW, Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501